

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re : Chapter 11
: Case No. 05-44481 (RDD) :
DELPHI CORPORATION, et al., :
: (Jointly Administered)
-----x

NOTICE OF FILING

TO: See Attached Service List

PLEASE TAKE NOTICE that on February 16, 2009, the undersigned caused to be filed with the Clerk of the United States Bankruptcy Court for the Southern District of New York the attached **Objection to Motion for Order Under 11 U.S.C. §§ 105, 363(b)(1), and 1108 Confirming Debtors' Authority to Terminate Employer-Paid Postretirement Health Care Benefits and Employer-Paid Post-Retirement Life Insurance Benefits for Certain (A) Salaried Employees and (B) Retirees and Their Surviving Spouses.**



David M. Stuck, Pro Se
9476 Arboridge Ln.
Miamisburg, Ohio 45342

CERTIFICATE OF SERVICE

I, hereby certify that on February 16, 2009, I served the **Objection to Motion for Order Under 11 U.S.C. §§ 105, 363(b)(1), and 1108 Confirming Debtors' Authority to Terminate Employer-Paid Postretirement Health Care Benefits and Employer-Paid Post-Retirement Life Insurance Benefits for Certain (A) Salaried Employees and (B) Retirees and Their Surviving Spouses via Federal Express, upon the following Parties:**

Honorable Robert D. Drain
U.S. Bankruptcy Judge
Southern District of New York
One Bowling Green
New York, NY 10004-1408

General Counsel
Delphi Corporation
5725 Delphi Dr.
Troy, MI 48098

John William Butler, Jr.
Skadden Arps Slate Meagher & Flom,
LLP
333 W. Wacker Dr., Ste. 2100
Chicago, IL 60606

Donald Bernstein
Brian Resnick
Davis Polk & Wardwell
405 Lexington Ave.
New York, NY 10017

Robert J. Rosenberg
Mark A. Broude
Latham & Watkins, LLP
885 Third Ave.
New York, NY 10022

Bonnie Steingart
Fried Frank Harris Shriver & Jacobson,
LLP
One New York Plaza
New York, NY 10004

Brian Masumoto
U.S. Trustee for the Southern District of
New York
33 Whitehall St., Ste. 2100
New York, NY 10004


David M. Stuck
David M. Stuck, Pro Se.

Hearing Date: February 24, 2009 at 10:00 a.m.

David M. Stuck, *pro se*
9476 Arboridge Ln.
Miamisburg, Ohio 45342

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SOUTHERN DISTRICT OF NEW YORK

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OBJECTION TO MOTION FOR ORDER UNDER 11 U.S.C. §§ 105, 363 (b)(1), AND
1108 CONFIRMING DEBTOR'S AUTHORITY TO TERMINATE EMPLOYER-PAID
POSTRETIREMENT HEALTH CARE BENEFITS AND EMPLOYER-PAID POST-
RETIREMENT LIFE INSURANCE BENEFITS FOR CERTAIN (A) SALARAIED
EMPLOYEES AND (B) RETIREES AND THEIR SURVIVING SPOUSES

David M. Stuck, for himself, and as representative of any potential class of similarly situated individuals, hereby respectfully requests that the Court (1) deny the Debtor's Motion to Terminate Employer-Paid Postretirement Heath Care Benefits and Employer-paid Post-Retirement Life Insurance Benefits for Certain (A) Salaried Employees and (B) Retirees and their Surviving Spouses (hereinafter "Motion to Terminate Benefits") and (2) that the Court instruct the United States Trustee for the Southern District of New York to appoint an Official Non-Union Retiree Committee pursuant to 11 U.S.C. § 1114(d).

As arguments in support of this Motion, David M. Stuck fully adopts, as if completely restated herein, the arguments and evidence presented by counsel for Paul Higgins, *et al.* in the Objection filed February 13, 2008, Dkt. # 14765. Mr. Stuck believes that his employee benefits were vested based on representations made by General Motors and Delphi and that they cannot be unilaterally terminated solely at the discretion of the company. Further, Mr. Stuck believes that the only effective way to protect those benefits is through the appointment of a Retiree Committee under the statutory provisions enacted by Congress to protect those like Mr. Stuck and others in his class.

David M. Stuck

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